

May 6, 2005



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in MB Docket No. 04-186

Dear Ms. Dortch:

On May 5, 2005, Harold Feld of Media Access Project and Michael Calabrese and Jim Snider of New America Foundation (Collectively "NAF") met with Sam Feder, advisor to Chairman Martin. NAF reviewed the issues raised in NAF's filings.

With regard with concerns expressed by Shure, NAF suggested that the FCC could adopt the secondary service model adopted by the Commission in the recent *3650-3700 MHz Order*. Under this scheme, "unlicensed" base stations in the band would in fact operate as a non-exclusive secondary service. Broadcast auxiliary services and wireless microphones already operate in the band as secondary under similar rules. The Commission could then require both secondary services to coordinate without altering the existing Part 15 regime in any way.

With regard to border exclusion areas, NAF reiterated that the proposed exclusion area would create a significant burden for Southern California Tribal Digital Village, as described in NAF's filing. NAF argued that the treaty requiring coordination with Canada and Mexico only applies where signal is likely to cross the boarder. Accordingly, the exclusion zone should be determined based on actual signal strength, rather than on the full use of the relevant band. NAF noted that wireless microphones and other users of the band are not subject to the exclusion zone as if they were full power television stations.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld

Senior Vice President

cc:
Sam Feder